**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 1587 OF 2005**

Mrs. B. Deivalakshmi P. Balkrishnan ...Petitioner

Versus

Shyam Yarm Agency Pvt. Ltd. & Anr ...Respondents

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Mr. Girish Kulkarni, Advocate for Petitioner

Mr. V.R. Walavalkar i/b Rakesh Jain for Respondent No.1.

Ms. S.V. Gajare, A.P.P. for State.

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**CORAM: SMT. V.K. TAHILRAMANI, J.**

**DATED: 29TH JUNE, 2005**

**P. C.:-**

1. Heard the learned advocate for the petitioner, the learned advocate for the respondent No.1 and the learned A.P.P. for the State. Leave to amend. Amendment to be carried out orthwith.

2. The petitioner has prayed for quashing of process issued against her in Criminal Case No. 452/2005 which is pending in the Court of learned J.M.F.C. Ichalkaranji. In the said case, process has been issued against the petitioner under Section 406 and 417 of I.P.C.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. In order to enable the petitioner to prefer necessary revision, the proceedings before the trial Court are stayed for a period of four weeks from today.

5. The learned advocate for the petitioner states that the Non Bailable Warrant has been issued against the petitioner by the trial Court and he prayed that the said Non Bailable Warrant be set aside. In my opinion, the proper course would be that the petitioner should approach the trial Court for setting aside the Non Bailable Warrant issued against her. Liberty granted to the petitioner to prefer an application before the trial Court for setting aside the Non Bailable Warrant. To enable the petitioner to take necessary steps in respect of setting aside

the Non Bailable Warrant, the said Non Bailable Warrant is stayed for a period of four weeks from today.

6. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

7. Criminal writ petition is disposed of.

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